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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,073	06/07/2002	Theodorus Lambertus Hoeks	08CS5682-1	3895
23413	7590	12/01/2004		
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002				
EXAMINER RAJGURU, UMAKANT K				
ART UNIT		PAPER NUMBER		
1711				

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

.10/064,073

Applicant(s)

HOEKS ET AL

Examiner

Umakant K. Rajguru

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Art Unit: 1711

1. An amendment (with remarks') has been filed on November 01, 2004.
2. Claims being examined are still 1-22.
3. Rejections of claims 1-22 (see item 5 of prior Office action of Set 01, 2004 are now withdrawn to set forth following rejections.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Thomas (US 4404303).

Thomas discloses a composition containing polycarbonate and a thermally stable of a barbituate (col. 1, lines 55-59); col. 2, lines 47-63). An agereous solution of barbituate is used (col. 3, lines 44-47).

Claim 1 therefore lacks novelty.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims, 16, 19 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 4404303).

It would have been obvious to follow disclosure (above) of patentee and arrive at instant invention.

It is noted that patentee does not mention (a) reduction of haze of instant claim 16, (b) reduction of yellowness index of instant claims 19 and (c) reduction of number of inclusions of instant claim 21. Nevertheless it is the examiner's position that since the patentee discloses the claimed composition, it is reasonable to assume, unless proved otherwise, that patentee's composition inherently satisfies these limitations.

8. Claims 2-5, 7-10, 12 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 4404303) as applied to claim 1 above, and further in view of Ishihara (US 4735978).

Thomas does not mention specific flame retardant salts and their amounts.

Ishihara discloses flame retardant polycarbonate composition comprising polycarbonate and potassium diiphenylsulfonesulfonate and/or sodium trichlorobenzene sulfonate (column 3, lines 59-61). Examples give their respective amounts.

It would have been obvious to use the flame retardants of Ishihara as the preferred ones, in the composition of Thomas in order to enhance flame redundancy flame retardancy.

9. Claims 17 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 4404303) as applied to claims 16, 19, 21 (as appropriate) above, and further in view of Ishihara (US 4735978).

Please see item 8 above for this rejection.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (4404303) in view of Ishihara (4735978) as applied to claim 1 above, and further in view of Boyd et al (US 6518347).

Thomas together with Ishihara does not mention flame retardant of claim 6.

Boyd discloses flame retardant carbonate polymer compositions containing potassium perfluorobutanesulfonate (column 10, lines 29-31).

Therefore it would have been obvious to add the same flame retardant (of Boyd) to the composition of Thomas because of its superior flame retardancy.

11. Claim 11 is rejected under 35 U.S.C. 1-3(a) as being unpatentable Thomas (US 4404303) in view of Ishihara (US 4735978) as applied to claim 1 above, and further in view of Chiba et al (US 6,174,944).

Thomas together with Ishihara does not mention additive or instant claim 11.

Chiba discloses flame retardant polycarbonate composition containing fibrous fillers, surface-treating agents, inorganic fillers etc. (column 3, lines 50-56; column 4, lines 6-43; column 7, lines 37-50).

Therefore, it would have been obvious to include any one or more of these additives into the composition of Thomas to increase mechanical strength as well as to reduce cost.

12. Claim 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas 4404303 in view of Ishihara (US 4735978) applied to claims 1 and 16 (as appropriate), and further in view of McElveen (US 4,154,692).

Combination of Thomas and Ishihara fails to disclose aqueous solution containing water and alcohol.

McElveen disclose flame retardant solution containing water and alcohol.

Therefore, it would have been obvious to use an aqueous solution containing alcohol in the composition of Thomas with the expectation of achieving full penetration of flame retardant into other ingredient of the composition.


13. It is noted that prior art does not specifically disclose limitations of claim 12. Nonetheless since the prior art teaches a composition, which has claimed ingredients in amounts that are same as or overlap those that are instantly claimed, it is reasonable to infer that the composition of prior art obviously satisfies the limitations of above claim unless provide to be otherwise.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru whose telephone number is (571) 272-1077. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

U. K. Rajguru/af  
Novembre 29, 2004

  
James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700